

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are pending. Claims 1 and 5 have been amended to clarify that the arbitrary timing is carried out by the picture material switching means which has a switcher function of switching and outputting multiple picture materials. No new matter has been added.

By way of summary, Claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Fu. In the Official Action at page 5 it is asserted that Fu disclosed a picture material editing apparatus comprising: picture material switching means having a switcher function of switching and outputting multiple picture materials inputted from multiple sources at an arbitrary timing. The Official Action relies on column 5, lines 18-33 and 40-61 for this feature. In the remarks section of the Official Action, it is stated on page 3 that “because the user can manipulate the scene through selecting one of the inputs, he or she can choose to select a specific one among the inputs to be outputted in an arbitrary manner that fits his or her intention.”

Turning to Claim 1, Applicant notes that the claim now recites in part “means for inputting multiple picture materials from multiple sources, picture material switching means having a switcher function of switching and outputting multiple picture materials at an arbitrary timing”. In Applicant’s Figure 1 the picture material switching means is switcher control circuit 23 and control section 24. In Figure 10 the picture material switching means is switcher control 23 and control section 24 which are part of switcher 51. Applicant’s specification recites on page 3 that “the foregoing objects and other objects of the invention have been achieved by the provision of a picture material editing apparatus. In this apparatus, multiple picture materials inputted from multiple sources are switched at an

arbitrary timing with picture material switching means having a switcher function.” Page 37 of the specification recites in part that “Furthermore, although description has been made on the case where the plug in editor 3 as a picture material mount picture material editing apparatus is configured with the input selection circuit 21, the switcher control circuit 23 and the control section 24 as picture material switching means.” Page 37 also recites “As described above according to the present invention, multiple picture materials inputted from multiple sources are switched at an arbitrary timing with picture material switching means having a switcher function.”

From at least these paragraphs of the specification as well as illustrations in Figures 1 and 10 it is clear that the switching is done at an arbitrary timing. Applicant respectfully traverses the assertion in the Official Action on page 3 that because the user can manipulate the scene through selecting one of the inputs, he or she can choose to select a specific input to be outputted in an arbitrary manner that fits their intention. Applicant notes that even through in Fu a user can choose to select an input in an arbitrary manner that fits his or her intention, the claim recites that the picture material switching means has the switcher function of switching and outputting the materials at an arbitrary timing. Thus, in independent Claims 1 and 5, the user does not, in an arbitrary manner, decide when to output materials. Rather, it is the picture material switching means that outputs the materials at an arbitrary timing.

In addition, Applicant notes that Claim 1 is written in means plus function language. As noted above, the picture material switching means is switcher control circuit 23 and control section 24. It is not the user. Thus, the claim recites that it is the picture material switching means that has the switcher function and outputs the multiple picture materials at an arbitrary timing. The claim language is not met by a user choosing to select one of the inputs in an arbitrary manner that fits their intention. In addition, the underlying structure that supports the means plus function language of Claim 1 is switcher control circuit 23 and

control section 24 as set forth on pages 3 and 37 of the specification. The user in Fu is not equivalent structure to the switching means of the claimed invention. Accordingly, for this additional reason, Claim 1 and also independent Claim 5 which is in method format but also in means plus step method format are not anticipated by Fu.

Moreover, as was stated in the previous Amendment dated October 19, 2007 Applicant finds from review of the passages of Fu relied upon in the Official Action that at column 5, lines 18-33 this passage refers to the input module including plural means for reading input received by a user. Inputs can be received by U.S. mail delivery such as FedEx, UPS, the receiving site, drop off center, kiosk, photo shop or can be uploaded by the user and that input can be analog or digital. If digitized, the input is provided directly to digitation control module 110. All other forms of input are digitized using digitation module 108. In one implement input module 102 uses a video cassette player, a compact disc player, and digital video compact disc and a camcorder for reading input. That input can be in the form of analog or digital type, VCDs, DVDs or direct input from a video recording device such as an 8mm or high camcorder. Column 5, lines 40-63 of Fu state that the input monitoring multiplexer 104 receives as inputs as a video stream on each of its input ports and provides a single selective stream as an output port. Multiplexer 104 receives its input video streams from the input module and a feedback stream from the digitation control module 110. The output of the input monitoring multiplexer is coupled to an input of content monitoring module 112. In this way, the video output from each input device can be viewed by a quality control monitor. Digitation source multiplexer 106 receives its input video streams on each input port providing a single selected stream as an output on its output port. Multiplexer 106 receives its input through video streams from the input module. The output of the digitation source multiplexer 106 is coupled to the input of digitation module 108. In this way, the

video output stream from each input device can be selected for digitation by the digitation module.

From our review of Fu, we find no description either expressly or in the appearance of inherently for the switcher function outputting the pictures at an arbitrary timing.

Accordingly, for this additional reason Applicant believes that the rejection of Claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Fu is not well founded, especially in light of the claims as presently amended.

From all of the above, Applicant believes that Claims 1-8 are now in condition for allowance and early indication to that effect is respectfully requested.

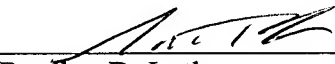
Respectfully submitted,

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